IN THE DRAWINGS:

Please enter the attached corrected drawing of Fig. 3, in which the words "WAAVE" and "GENERATTOR" in box 3-6 are being changed into "WAVE", and "GENERATOR" to replace Fig. 3 as originally filed. A Letter to Draftsperson is also submitted herewith.

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated December 28, 2006. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 1-4 stand for consideration in this application. Claims 5 and 9-14 are being cancelled without prejudice or disclaimer. Claims 1 and 6-8 are being amended to more particularly point out and distinctly claim the subject invention. New claims 15-19 are being added.

All the amendments to the claims are supported by the specification. Applicant hereby submits that no new matter is being introduced into the application through the submission of this response.

Formality Rejection

The drawings, the specification, and claim 14 were objected to for informalities. As indicated, the claims are being amended as suggested by the Examiner. Accordingly, the withdrawal of the outstanding informality rejection is in order, and is therefore respectfully solicited.

Allowable Subject Matter

Claim 5 would be allowed if rewritten into independent form to include all the limitations of the base claim and any intervening claims.

Since the allowable claim 5 is being incorporated into claim 1, claim 1 and its dependent claims 2-4 and 6 are in condition for allowance.

Since claims 7-8 are being amended to include the allowable claim 5, claims 7-8 are in condition for allowance.

Prior Art Rejections

Claims 7-14 were rejected under 35 U.S.C. §102(b) as being anticipated by US Pat. No. 4,842,381 to Green ("Green"), and claims 1-4 and 6 were rejected under 35 U.S.C. §103

(a) as being unpatentable over Green loses in view of US Pat. No. 6,160,787 to Marquardt et al. (hereinafter "Marquardt"). The above rejections have been carefully considered, but are most respectfully traversed in view of the newly amended claims, as more fully discussed below.

Since claims 9-14 are being cancelled without prejudice or disclaimer, the relevant rejection thus become moot.

As mentioned, the allowable claim 5 is being incorporated into claim 1, claim 1 and its dependent claims 2-4 and 6 are in condition for allowance, and claims 7-8 are being amended to include the allowable claim 5 to be set in condition for allowance.

The invention irritates a first laser beam in advance which is defocused at a target layer so that irradiation time is prolonged, and irritates a subsequent second beam which changes the atomic structure of an electro-chromic material at a higher temperature, so as to provide a high recording speed. The present invention does not lose the recorded data since a recording is carried out by changing the atomic structure as mentioned above. Further, in the case of a multilayer structure, the recorded data is not erased even when only a recording/reproducing layer is colored and then de-colored during a recording/reproducing of another layer. Therefore, repetition of such recording/reproducing is possible.

In contrast, Green loses/erases the recorded data by de-coloring when a whole temperature is elevated. Green applies moving ions and colors by irradiation of light, so that its recording speed is limited and its recorded data is erased when temperature is elevated. Even if, arguendo, Green applies a principal at the period of the first irradiation arguably similar to the one of the present invention, Green's atomic structure of the electro-chromic material is changed at the high temperature by the second beam irradiation.

Applicants further contend that none of the cited references teach of suggest "irradiating a first optical spot and a second optical spot with an identical wavelength onto said first layer and said second layer respectively and sequentially (p.59, line 22 to p.60, line 25)" as recited in claim 15.

As admitted by the Examiner (p. 6, lines 2 of the outstanding Office Action), Green does not teach two irritating means are two separate lasers. Marquardt is relied upon to provide such a teaching. However, In contrast, Marquardt demands the two lasers have two different wavelengths (p. 6, lines 2-4 of the outstanding Office Action), rather than with an identical wavelength as recited in claim 15.

Applicants contend that the cited references and their combinations fail to teach or suggest each and every feature of the present invention as recited in independent claim 7-8

and 15. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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